REMARKS

Claims 1-27 are now currently pending in the application. By this amendment, claims 1, 5, 20-22 and 24 are amended. Support for the amendments may be found at least at page 7, ll. 13-31, and page 11, line 26 to page 12, line 24 and Figures 2A-4 of the subject matter incorporated by reference as originally filed. Reconsideration in view of the above amendments and following remarks is respectfully requested.

35 U.S.C. §112 Rejection

The Examiner rejected claims 1-27 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description. Applicant traverses this rejection by pointing out to the Examiner that the cited passages (e.g., pages 8-11 and Figure 2A-2D) are referring to co-pending U.S. Patent Application Serial Number 09/199,150, entitled "Tracking Electronic Content", filed November 24, 1998, incorporated by reference in its entirety, as originally filed. As can be readily determined, U.S. Patent Application Serial Number 09/199,150 does indeed provide adequate description of the subject matter recited by the claims. This incorporation by reference is in compliance with MPEP §2163.07(b), which states, in part:

> *Instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed.*

Further, MPEP 608.01(p) (I) (A) (1) states:

> *If the referenced application has not been published or issued as a patent, applicant will be required to amend the disclosure of the referencing application to include material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant stating the amendatory material consists of the same material incorporated by reference in the referencing application.*

Applicant submits that no amendment to the specification is required at this time regarding the incorporated by reference material, and that the 35 U.S.C. §112 rejection should now be withdrawn.

35 U.S.C. §103(a) Rejection

The Examiner rejected claims 1-27 under §35 U.S.C. §103(a) as unpatentable over Powell (U.S. Patent No. 6,067, 526) (Powell) in view of Gupta *et al.* (U.S. Patent No. 6,484,156) (Gupta) further in view of U.S. Patent No. 6,144,942 to Ruckdashel ("Ruckdaschel"). Applicant respectfully traverses this rejection.

In order to reject a claim under 35 U.S.C. §103(a), MPEP 2143 mandates that three basic criteria must be met.

> *First, there must be some suggestion or motivation, either in the reference themselves or in knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations.*

Applicant submits that the references do not teach or suggest, either singly or in combination, all of the claimed limitations as amended. Specifically, claim 1 recites, in part:

> "wherein the instructions are executable instructions and collect the notification information and selectively deny access to the requested data until the notification information is transmitted."

Claims 20-22 and 24 are similarly amended. Applicant respectfully requests withdrawal of the withdrawal of the 35 U.S.C. §103(a) rejection.

Since claims 2-19 and 25 are dependent from independent claim 1, Applicant submits that claims 2-19 and 25 are also directed to patentable subject matter and are therefore allowable as least due to this dependency. Claim 26 is dependent from claim 20 and claims 23 and 27 are dependent from independent claim 22, and therefore are also drawn to patentable subject matter and therefore allowable for at least due to their dependency.

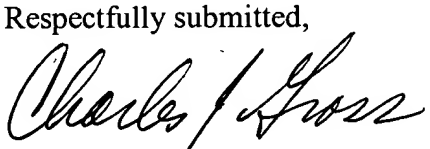
Further Applicant disagrees with the Examiner's arguments. For example, regarding the rejection of claims 17-19, the Examiner is of the opinion that Gupta teaches identification of the instructions and the computer that transmitted the information (see Gupta, col. 13, line 6-col. 14, line 38). Applicant respectfully disagrees that the cited section of Gupta teaches or suggests that the notification information comprises identification of the instructions that transmitted the information or identification of a computer that transmitted the information. Rather, in this cited section, Gupta discloses a set identifier 272 (line 19), a related annotation identifier is stored in field 196 (line 37), an identifier of a media stream is added to the target table 234 (col. 13 line 67 to col. 14, line 1), an identifier of a target stream (col. 14, line 14), and identifier in a target display 332 (col. 14, line 16), an URL identifier (col. 14, line 19). But, nowhere is there any teaching or suggestion that the notification information includes information comprising identification of the instructions that transmitted the information or identification of a computer that transmitted the information. Applicant requests that the Examiner points out this teaching.

Applicant respectfully submits that all the 35 U.S.C. §103(a) rejections should now be withdrawn.

Conclusion

In view of the foregoing remarks, Applicant submits that the references do not teach all the features of the claimed invention. Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance and that the application should now be passed to issuance. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written petition for extension of time if needed. Please charge any deficiencies and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



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